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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319.326	06/03/1999	GREG ALAN KRANAWETTER	RCA88250	2818

7590

05/20/2002

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,326

Applicant(s)

KRANAWETTER ET AL.

Examiner

Andy S. Rao

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed with respect to claims 1-17 as filed in Paper 7 on 2/26/02 have been fully considered but they are not persuasive.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al., (hereinafter referred to as "Kimura") in view of as Owen et al., (hereinafter referred to as "Owen"), as was set forth in the previous Office Action of Paper 5 on 10/2/01.

4. The Applicants present three arguments contending the Examiner's pending rejection of claims 1-17 under 35 U.S.C. 103(a) as being unpatentable over Kimura et al., (hereinafter referred to as "Kimura") in view of as Owen et al., (hereinafter referred to as "Owen"), as was set forth in the previous Office Action of Paper 5 on 10/2/01. However, after a careful consideration of the arguments presented, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

5. Firstly, the Applicants argue the Kimura decoders only retrieve data from the shared memory and don't store data into said stored memory (Paper 7: page 3, lines 7-13). The Examiner vehemently disagrees. It is duly noted that the decoders in Kimura also perform motion compensation, wherein decoded reference frames are stored in the stored memory so that the decoder is able to predict images (Kimura: column 16, lines 25-35). It is further noted that in

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a detailed depiction of one of the decoders (Kimura: figure 19), the Applicants can clear ascertain the presence of a signal line with the sole purpose of storing decompressed reference data into the shared memory (Kimura: figure 19, element 1712; column 16, lines 39-41). It is completely unfathomable to the Examiner how the Applicants have arrived at the grossly erroneous conclusion that Kimura's decoders don't have bi-directional access to the shared memory, but as from the discussion above, one can clearly see that this is not the case.

Additionally, it is noted that independent claims 1 and 10 make no mention of *a storing step for storing outputs from the decoders prior to recompression* anywhere in the body of the claims (Paper: 7: page 2, lines 20-29; page 3, lines 1-4), only storing the recompressed data. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storing decoded output prior to recompression) are not recited in the rejected claim(s) 1 and 10. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, the Applicants argue that Owen's purpose is storing decoded data into the memory, which is the opposite function of Kimura and thus makes the combination with Kimura untenable (Paper 3: page 3, lines 14-31). The Examiner respectfully disagrees. As shown above, this is the exact feature as shown above in Kimura where reference frames are stored into memory for prediction, but where before storing, said reference frames are compressed to save on memory. Not only is the combination with Kimura possible, but it is obvious because of Kimura's use of a shared memory which would benefit from a judicious use of memory allocation for reference frames.

Lastly, with regards to claim 3, the Applicants argue that Kimura fails to disclose pixel blocks of interleaved data (Paper 7: page 4, lines 1-5). The Examiner respectfully disagrees. The cite clearly establish the nature of the pixel blocks being comprised of chrominance data being interleaved with the luminance data (Kimura: column 13, lines 60-68; column 1, lines 35-45), where this structure is further interlaced (Kimura: column 16, lines 63-65). Accordingly, the Examiner maintains that this feature is met, as well.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-6606 for regular communications and (703)-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER



asr
May 17, 2002